



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.4531 of 2020

J.James Stanly Joy

... Petitioner / Accused

Vs

The State rep. by its,
The Sub Inspector of Police,
Cumbum South Police Station,
Theni District.
(Crime No.56/2015)

... Respondents / Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the Judicial Magistrate, Uthamapalayam, Theni District, who issued non bailable warrant on 05.12.2019 to consider the petitioner's surrender application in C.C.No.186 of 2019 on the file of the Judicial Magistrate, Uthamapalayam, Theni District and to recall the non bailable warrant on the same day.

For Petitioner : Mr.K.Muthu Ganesa Pandian

For Respondent : Mr.A.Robinson
Government Advocate (Crl.side)

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side).

2.The petitioner is facing trial in C.C.No.186 of 2019 on the file of the Judicial Magistrate, Uthamapalayam, Theni District.

3.It appears that an absconding charge sheet was filed against the petitioner herein.

4. The petitioner through his counsel gives an undertaking that he will appear in all the future hearings without any default. If he is unable to appear, his counsel will represent him and file an application under Section 317 of Cr.P.C. On account of the



petitioner's absence, trial will not be stalled. If this undertaking is breached, the order now passed will stand vacated automatically and the petitioner will be remanded to custody.

5. Recording the said undertaking given by the petitioner through his counsel, the petitioner is directed to appear before the Court below on 20.04.2020 and apply for recall of warrant. On such application being filed, the Court below shall recall the warrant at the end of the day. Non Bailable Warrant shall be kept in abeyance till then.

6. The Criminal Original petition stands disposed of, on these terms.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

- 1.The Judicial Magistrate,
Uthamapalayam, Theni District.
- 2.The Sub Inspector of Police,
Cumbum South Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.MUTHUGANESHAPANDIAN, Advocate (SR-11899[F]

CrI.O.P (MD)No.4531 of 2020
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